

Senate Bill 260

By: Senators Rogers of the 21st and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to the administration and enforcement of the provisions regarding registration and
3 licensing of motor vehicles, so as to provide that the revenue commissioner is entitled to
4 seize the license plates from any vehicle when the vehicle's registration has been revoked
5 or canceled; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the
10 administration and enforcement of the provisions regarding registration and licensing of
11 motor vehicles, is amended by adding a new Code section to read as follows:

12 "40-2-135.2.

13 (a) In addition to the powers granted to the commissioner under Code Section 40-2-135,
14 the commissioner is authorized to request any state or county law enforcement officer or
15 any special agent appointed under Code Section 40-2-134 to go upon public or private
16 property to seize a license plate or renewal decal when the motor vehicle's registration has
17 been revoked or canceled. The commissioner shall also promulgate rules and procedures
18 for the licensing of private entities to engage in the business of confiscating license plates
19 or renewal decals from vehicles with revoked or canceled registrations. The commissioner
20 is authorized to reimburse the law enforcement agency or private entity a reasonable
21 amount, to be determined by the commissioner, for each license plate or renewal decal
22 returned to the department.

23 (b) Prior to seizing the license plate or renewal decal due to a revoked or canceled
24 registration, the commissioner shall notify the owner of the motor vehicle, by first-class
25 mail sent to the address on file with the department, that his or her registration has been

1 revoked and request that the license plate and renewal decal be returned to the department
2 within 15 days from receipt of the notice.

3 (c) If the license plate or renewal decal is not returned voluntarily, within the 15 day time
4 period, the commissioner shall notify the law enforcement officers or private entities, as
5 provided for in subsection (a) of this Code section, that the motor vehicle's registration has
6 been revoked or canceled and provide them with any other relevant information, including
7 the vehicle's location, make and model, color, and license plate or renewal decal number.

8 (d) Any law enforcement officer receiving the notice provided for in subsection (c) of this
9 Code section may proceed with the confiscation of the license plate in any reasonable
10 manner. Any private entity receiving such notice may only proceed to confiscate the
11 license plate or renewal decal upon receipt of permission from the owner of the vehicle.

12 The permission shall be in the form of a signed written consent to the confiscation or a
13 recorded oral consent to the confiscation. This written or recorded consent must be
14 returned to the department with the license plate or renewal decal in order for the private
15 entity to receive any compensation as provided for in subsection (a) of this Code section.

16 (e) The amount of any compensation paid to a law enforcement agency or private entity,
17 along with an administrative processing fee to be determined by the commissioner, shall
18 be collected from any party that applies to reregister the vehicle that was the subject of the
19 revoked or canceled registration."

20 **SECTION 2.**

21 This Act shall become effective on July 1, 2007.

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.